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| 09/696,609 | 10/24/2000 | Klaus Hofrichter | SONY-50N3765 | 3968 |

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| 7590      04/12/2006 | **EXAMINER** |
| Sheryl Sue Holloway | SRIVASTAVA, VIVEK |
| Blakely, Sokoloff, Taylor & Zafman LLP | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2623 | |

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DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *12 October 2005*.

2a)☐ This action is **FINAL.**    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-33* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are:  a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

*Applicant's argue, "that information is not equivalent to executable management instructions, as claimed in amended claim 1" and the Sezan fails to disclose the claimed receiving executable storage management instructions.*

The Examiner respectfully disagrees. Sezan discloses "*The system description scheme 22 preferably* **manages** *the* **individual programs** *and* **other data**" (see col. 6 lines 23 – 25). Sezan further discloses "…*the system description scheme will be capable of* **storing** *the information contained within the program description scheme, so that information is properly* **indexed**. *With proper indexing, the system is capable of matching such information with user information, if available, for obtaining and recording suitable programs*" (see col. 7 lines 18 – 24). Sezan still further discloses "*It is preferred to maintain the program description scheme separate from the* **system description scheme** *because the* **content providers repackage** *the content and* **description schemes** *in different styles, times and formats*" (see col. 7 lines 40 – 45). Sezan still further discloses "*The system, in an* **autonomous** *manner, periodically obtains and records the audiovisual information that may be of interest to the user…*" (see col. 9 lines 48 – 52). Sezan clearly discloses transmitting the system description scheme from the content provider. The Examiner respectfully submits that Sezan discloses the claimed "..receiving executable management instructions that, when executed, perform

automated management of said media storage device without requiring user input.." and

the claimed "storing said content data and said context data on said media storage

device in accordance with said storage management instructions".


## Claim Rejections - 35 USC § 102


The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 4, 6 – 9, 11 – 14, 16 – 19, 21 – 24, 26 – 29 and 31 are rejected**

**under 35 U.S.C. 102(e) as being anticipated by Sezan et al (6,236,395).**

**Regarding claim 1**, Sezan discloses a method and a computer readable

medium for enabling an electronic device for automated management of a on-site

storage device (see col 6 lines 23 – 39 and col 7 lines 7 – 40). Sezan discloses

receiving and radio and video programs and recoding the programs (see col 7 lines 7 –

38, col 6 lines 23 – 39). Sezan further discloses receiving context data describing the

received programs (see description scheme – col 5 lines 33 – 46, col 6 lines 1 – 38 and

col 9 lines 13 – 48). In addition, Sezan discloses "*The system description scheme 22*

*preferably **manages** the **individual programs** and **other data***" (see col. 6 lines 23 –

25). Sezan further discloses "...*the system description scheme will be capable of*

***storing*** *the information contained within the program description scheme, so that*

*information is properly* ***indexed.*** *With proper indexing, the system is capable of*

*matching such information with user information, if available, for obtaining and recording*

*suitable programs*" (see col. 7 lines 18 – 24). Thus Sezan discloses an executable

system description scheme which is used for storing and managing programs and other

data i.e. content data and context data. It is noted that the managing and indexing is

done without requiring user input. Sezan also discloses "*The system, in an*

***autonomous*** *manner, periodically obtains and records the audiovisual information that*

*may be of interest to the user...*" (see col. 9 lines 48 – 52) and thus discloses storing

without requiring user input.

> **Regarding claim 2**, Sezan inherently discloses the claimed processor and

computer readable memory as required to perform the function of automated

management of data stored on the storage medium (see col 6 lines 23 – 39, col 6 line

63 – col 7 line 40).

> **Regarding claims 3, 13 and 23**, Sezan discloses "*It is preferred to maintain the*

*program description scheme separate from the* ***system description scheme*** *because*

*the* ***content providers repackage*** *the content and* ***description schemes*** *in different*

*styles, times and formats*" (see col. 7 lines 40 – 45) and thus discloses a storage

management service provider located remotely from said media storage device.

> **Regarding claim 4**, Sezan discloses the claimed managing content data and

context data of media signal stored on the media storage device according to storage

management instructions (see col 9 lines 1- 7, col 9 line 40 – col 10 line 37, col 7 lines 7 – 38).

**Regarding claims 6 and 8**, Sezan discloses deleting of stored programs and writing of programs (see col 11 lines 50 – 67) per a user description profile scheme and the system description scheme. It is noted that the system description scheme is used for the recording or writing of new media signal (see col. 7 lines 16 – 49) thus Sezan discloses the claimed "allowing overwriting of a new media signal over a media signal recorded onto said media storage device in accordance with said storage management instructions".

**Regarding claim 7**, Sezan discloses receiving user preferences from said on-site user (see col 5 lines 37-45, col 9 lines 40 – 50).

**Regarding claims 9 and 31**, Sezan discloses "*the system description scheme may be transported to the source to provide the source with view or other capabilities that the device with image, audio and/or video content customized or otherwise suitable for the particular device*" (see col. 8 lines 1 – 8) and also discloses "*...because the content providers repackage the content and description schemes in different styles, times and formats*" and thus discloses the claimed limitations.

updating the description schemes (see col 6 lines 1 – 6, col 9 lines 9 – 25).

**Claims 11 and 21**, are met by the discussions above.

**Regarding claims 12 and 22**, Sezan discloses enabling the storage management instructions to execute on the on-site media storage device (see col 6 lines 23 – 39, col 6 line 63 – col 7 line 40).

**Claims 14, 16, 18, 19, 24, 26, 28 and 29** are met by the discussions above.

*Regarding claims 17 and 27*, Sezan discloses a system description scheme

records programs based on preference data in user description scheme (see col. 9 lines

41 – 52, col. 7 lines 7 – 15).

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Claims 5, 10, 15, 20, 25 and 30 are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over Sezan et al (6,236,395) in view of Kunkel et al (US**

**2002/0056093).**

**Regarding claims 5, 10, 15, 20, 25 and 30,** Sezan fails to disclose providing

context-sensitive management and wherein the storage management instructions are

capable of managing a discrete context-content clip of data.

In analogous art, Kunkel teaches a system which filters additional descriptive

information at the set-top box according to demographic information for the benefit of

providing more targeted additional information.  Therefore, it would have been obvious

to an artisan skilled in the art at the time of the invention to include managing the

context of description scheme in Sezan for the benefit of targeting and thus providing

descriptive information that a user would find more interesting or useful.


**Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable**

**over Sezan et al (6,236,395) in view of Kenner et al (US 5,956,716).**

***Regarding claims 32 and 33***, as discussed above, Sezan discloses receiving

executable storage management instructions at a media storage device to record a

program by receiving context data associated with the program, wherein the storage

management instructions instruct the media storage device to store the program and

automatically executing the received storage management instructions without requiring

a user input.  Sezan fails to disclose receiving an updated version of a particular one of

a plurality of clips of a program stored at a media storage device and using the

management instructions to store one of the plurality of clips.

Kenner teaches storing video clips at a user device.  Kenner further recognizes

the video clips stored may not be current and thus teaches providing updated clips to a

user device (see col. 5 lines 1 – 15, col. 28 lines 59 – 65).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to modify Sezan to include the claimed limitations for

the benefit of providing a user with the most up-to-date and recent clips and

programming.

***Regarding claim 33***, the combination of Sezan and Kenner teaches the claimed

limitation.  It is noted that since Kenner teaches receiving a displaying a updated clip,

necessarily the user can output a program before the updated clip is received or can

also output the program after the updated clip is received.


### *Conclusion*


The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Ismail et al (6,614,987) – TV program recording

Russo (6,732,366) – Stored program pay-per-play


Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-

7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Vs
4/5/06

VIVEK SRIVASTAVA
PRIMARY EXAMINER